

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRADLEY CARROLL, *et al.*,

Plaintiffs,

Case No. 04-74984

v.

Hon. John Corbett O'Meara

CITY OF DETROIT,

Defendant.

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**ORDER DENYING PLAINTIFFS' MOTION  
TO ESTABLISH PROCEDURE FOR CONCLUDING THE MATTER**

Before the court is Plaintiffs' motion to establish a procedure for concluding this case, which was filed November 18, 2007. Defendant submitted a response on December 5, 2007; Plaintiffs filed a reply on December 6, 2007.

After a trial of the claims of the four representative class members, a jury awarded three of them \$600 in noneconomic damages. The jury awarded Wayne Schreck \$1,100 in noneconomic damages. As a way to expedite the adjudication of the claims of the remaining class members, Plaintiffs propose that the court enter an order (1) providing that each class member is entitled to \$600 in noneconomic damages; (2) establishing a proof of claim procedure for economic damages; and (3) referring the determination of economic damages to Magistrate Judge Virginia Morgan. Defendant objects to Plaintiffs' proposal for various reasons, including that such a procedure would deprive Defendant of its Seventh Amendment right to a jury trial.

The court finds Plaintiffs' proposal to be quite reasonable, in that it would likely result in the least expensive, most expeditious, and fair resolution of the case. However, the court cannot

implement it in light of Defendant's Seventh Amendment objection. This matter will, therefore, proceed to trial. For the first trial, the parties will each choose four class members and trial will proceed with respect to those eight plaintiffs. The first trial will begin on **February 19, 2008, at 9 a.m.** The parties will attend a status/final pretrial conference with the court on **January 9, 2008, at 1:30 p.m.**, to discuss the procedure for the first trial as well as any subsequent trial(s).

**SO ORDERED.**

s/John Corbett O'Meara  
United States District Judge

Date: December 14, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 14, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager